

TITLE 16. VETERINARY MEDICAL BOARD

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the State Capitol, 1st Floor Committee Hearing Room 112, main entrance is located on 10th Street, between L & N, Sacramento, CA 95814 at 10:00 a.m. on Wednesday, January 16, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on January 14, 2008, or must be received by the board at the hearing.

The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY & REFERENCE

Pursuant to the authority vested by Section 4808 of the Business and Professions Code, and to implement, interpret or make specific Section 4841.5 of said Code, the board is considering changes to Division 20 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law defines educational requirements for Registered Veterinary Technicians (RVT) to include a prescribed education and training program. This regulatory proposal will adopt a new regulation to allow lay staff (unregistered assistants) a limited term opportunity to apply for the Registered Veterinary Technician examination based upon specific experience and skills certified by their employing veterinarian.

1. Adopt Section 2068.7

Existing regulations require applicants for the Registered Veterinary Technician Examination to: 1) be a graduate of an American Veterinary Medical Association (AVMA) or California approved RVT Program; or 2) complete a two year community college curriculum and 18 months of practical experience under the direct supervision of a licensed veterinarian if a graduate of a non-approved RVT program; or 3) obtain a Bachelor of Science (BS) or Bachelor of Arts (BA) degree in an animal related science field including but not limited to animal husbandry, biology, chemistry, or biochemistry, and complete 12 months of practical experience; or 4) complete a combination of postsecondary education and complete 36 months practical experience under the direct supervision of a California licensed veterinarian.

This proposed regulation would adopt a new section that would allow a lay person, whose supervising veterinarian has certified that they have a minimum of five years work experience and at least 7360 hours of directed clinical practice in specific entry-level skills, eligibility to take the RVT examination.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:
None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Use of the alternative category is optional and is not mandated, therefore there is no impact.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal would have no significant impact on the creation of jobs or the elimination of jobs or impact the creation of or eliminate existing businesses or the expansion of businesses in the State of California. Use of the alternative category is optional and is not mandated, therefore there is no impact.

Cost Impact on Representative Private Person or Business:

The Veterinary Medical Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would not affect small businesses. This proposal provides veterinary practices that currently employ lay staff (unregistered assistants) to perform veterinary healthcare tasks, including the administration of controlled substances, an alternative category of eligibility for lay staff to qualify and sit for the RVT examination and become registered. Use of the alternative category is optional and is not mandated, therefore there is no impact.

Legislation that effective January 1, 2008 will permit lay staff access to controlled substances under “indirect” supervision until it sunsets in 2012. The U.S. Drug Enforcement Administration (DEA), under the U.S. Controlled Substances Act, outline the many restrictions related to dispensing and administration of controlled substances. One of these restrictions is related to employees who have had a felony drug conviction. Title 21, of the Code of Federal Regulations, Part 1300, section 1301.76(a) states in pertinent part that licensees with a DEA registration shall not employ, as an agent or employee who has access to controlled substances, any person who has been convicted of a felony offense relating to controlled substances or who, at any time, had an application for registration with the DEA denied or revoked or has surrendered a DEA registration for cause. Registration of lay staff would allow the Board to determine minimum competency by examination, perform background checks to determine whether an applicant has any prior convictions that would prevent them from being registered, and provide for enforcement discipline actions independent of the veterinary practice.

Lay staff will be authorized to administer controlled substances under the indirect supervision of a veterinarian effective January 2008 through 2012. This authorization is a short term solution to a long term problem. The Board believes that the proposed regulation would give licensees the ability to identify trained lay staff as eligible to sit for the examination and ensure that the individual’s background information is reviewed and in compliance with CRF Section 1301.76(a). The Board believes that due to the fact that controlled substances can be dangerous and are highly susceptible to diversion, and the fact that RVT’s can be disciplined independent of a veterinarian, the proposed regulation would provide added consumer protection through increased numbers of registered veterinary technicians.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Veterinary Medical Board at 1420 Howe Avenue, Suite 6, Sacramento, CA 95825-3228.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Linda Kassis
Address: 1420 Howe Avenue, Suite 6
Sacramento, CA 95825-3228
Telephone No.: (916) 263-2610
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The backup contact person is:

Name: Susan Geranen
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Website Access:

Materials regarding this proposal can be found at www.vmb.ca.gov